

Obviousness Rejections

The Office Action dated December 18, 2003 rejected claims 29-55 as being rendered obvious by prior art under 35 U.S.C. 103(a). Applicants respectfully traverse the obviousness rejections at least because they fail to establish a prima facie case that each and every one of the combination of features recited in the respective claims is suggested by the applied references.

Claims 29 and 35-55

Claim 29 is an independent claim directed to a method for performing charging in a telecommunications system. Claim 54 is an independent claim directed to a telecommunications system. Claims 31-53 are dependent on claim 29 and claim 55 is dependent on claim 54. The grounds for the obviousness rejection of claims 29 and 54 is set forth in part 5 on pages 2-14 of the Office Action. Specifically, the rejection asserts that the claims are rendered obvious by the network shown in Fig. 1 of WO 97/26739 to Kari et al. (this network hereafter referred to simply as "Kari") in view of WO 99/27723 to Nguyen et al. Applicants respectfully traverse the rejection at least because it fails to establish a prima facie case that each and every one of the combination of features recited in the respective claims is suggested by the applied references.

For example, claim 29 recites storing charging arrangement information indicative of the charging arrangement for a first communication terminal, and transferring and storing the charging arrangement information in a packet data interface apparatus. Claim 29 also recites that the packet data interface apparatus generates charging messages that are "dependent on the charging arrangement information for the first communication terminal." Claim 54 recites substantially similar features.

The rejection cites page 8, lines 6-17, as establishing that Kari stores charging arrangement information indicative of the charging arrangement for a first communication terminal and transfers the charging arrangement information to the packet data interface apparatus. The paragraph including the cited portion reads as follows:

"User-related data transfer statistics, used for charging the user, are also collected mainly at the serving GPRS support nodes SGSN, and in the gateway GPRS support nodes GGSN. The SGSN collects information about the radio interface usage and the GGSN collects information about the data network usage. Typically, charging in the packet radio system consists of subscriber fees and traffic fees. The subscriber fee is a regular payment paid by the subscribers to cover a specific period of time. The traffic fees are typically determined in a packet radio network as a function of data amount and service type,

possibly service quality as well. The data amount measuring techniques may include simply counting the bytes or an advanced statistical sampling of the data traffic. In principle, charging for usage of a packet radio network should be possible the same way as in general packet switched data networks. The exact charging basis may be operator specific. The charging principles are not significant as far as the present invention is concerned, because it is generally applicable to different charging methods." (page 8, lines 6-26)(underlining added)

The portion cited in the rejection (lines 6-17) discusses collecting information about radio interface and user-related data statistics at the SGSN and GGSN. These user-related data statistics are used for the charging messages, but they are not charging arrangement information indicative of the charging arrangement for the first communication terminal. The term "charging arrangement information" is discussed at page 9 of the original specification. Specifically, the second paragraph on page 9 gives examples of charging arrangements, e.g., normal, pre-paid, fixed fee, etc. Thus, there is a distinction between usage information and charging arrangement information. Although usage information is necessary for charging and is collected, how the subscriber is billed depends further upon the charging arrangement information. For example, although a subscriber may send or receive a large amount of data and this fact is collected as usage information, the amount that the subscriber is billed will depend on whether that subscriber has a fixed fee subscription, etc. Although Kari utilizes usage information, it does not utilize, store or transfer charging arrangement information as recited in the claims.

Secondly, Kari does not generate charging messages that are "dependent on the charging arrangement information for the first communication terminal." In this regard, Kari explicitly states that the collection of usage information is independent of charging arrangements. In particular, as underlined above, Kari states that "The charging arrangement principles are not significant as far as the present invention is concerned, because it is generally applicable to different charging methods." In other words, Kari is admittedly charging basis agnostic and the generation of charging messages is independent of the charging arrangements. According to Kari, the charging basis is determined by the operator, and there is no suggestion that the generation of charging messages should be dependent on charging arrangement information.

Applicants therefore respectfully submit that independent claims 29 and 54 are allowable for at least the above reasons. Claims 35-53 are each directly or indirectly dependent on claim 29 and are thus allowable for at least the same reasons as claim 29.

Claims 30-34

Claims 30-34 further recite "determining on the basis of the charging arrangement information . . . whether a communication with the first terminal is liable to charging" and "generating a charging measure for the communication if the communication is liable to charging." Although the rejection asserts (at page 15 of the Office Action) that Kari suggests these features (at page 6, lines 19-24, and page 9, lines 20-31), the cited portions merely discuss the transferring of data that is used for charging the subscriber. There is no suggestion that it be determined whether the subscriber is liable to charging as recited in claim 30, much less the step that the charging message is generated if the communication is liable to charging. As explained above, Kari always collects usage information and sends charging messages containing the usage information and the charging arrangements do not matter.

For at least the reasons stated above, applicants respectfully submit that claims 29-55 are allowable over the cited references. A Notice of Allowance is respectfully requested. Please charge any fees which may be necessary for the consideration of this paper, to Deposit Account No. 02-4270 (Dkt. No. 6173/4001US) and please credit any excess fees to such deposit account.

Respectfully Submitted,



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